

Order No. 75/20

**ONA-LEE DEVELOPMENTS PRIVATE WATER UTILITY
HILLSIDE POINT, TRAVERSE BAY ESTATES
AND BAYVIEW PARK WATER SYSTEMS**

May 26, 2020

**BEFORE: Marilyn Kapitany, B.Sc. (Hon), M. Sc., Panel Chair
Irene Hamilton, Q.C., Panel Member**

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1.0 Executive Summary

By this Order, the Public Utilities Board (Board) grants approval of the request by Ona-Lee Developments to regulate its water systems known as Hillside Point, Traverse Bay Estates and Bayview Park, as a single utility.

Going forward, the water systems will be referred to by the Board as Ona-Lee Developments Private Water Utility (Utility).

The reasons for the Board's decisions are under Board Findings.

2.0 Background

The Ona-Lee Development Utility systems were installed and have been owned and operated since the 1970s by the same family, under different private or corporate owners.

The Utility provides water service to 331 customers on a seasonal basis.

3.0 Application

On May 19, 2020 the Board received a letter from Ona-Lee Developments (Ona-Lee) in Traverse Bay, Manitoba. The letter was regarding the annual fees charged by the Board.

Ona-Lee owns and operates three water systems in seasonal communities on the east side of Lake Winnipeg. The water systems are known as Hillside Point, Traverse Bay Estates and Bayview Park. The three water systems are not physically connected. Ona-Lee does not maintain separate accounting records for the three systems and owns them under the same company. All customers of the three systems are charged the same rate for water services. The three systems are licensed under separate operating licences for public water systems, as required by the Office of Drinking Water.

The letter from Ona-Lee asked that the Board consider the operations of the water systems as a single utility, as it had been prior to 2018.

In 2017 and earlier, Ona-Lee was charged a single annual fee of \$100 as a single utility. A survey was sent to owners of private water systems to verify the Board's records and it was determined that Ona-Lee operated three water systems. The Board updated its records to indicate Ona-Lee was operating three utilities, rather than a single utility. Starting in 2018, the Board invoiced Ona-Lee \$300 per year for annual fees for the three utilities. All of the licences are issued to Ona-Lee Developments.

4.0 Board Findings

The Board has reviewed the letter and records provided by Ona-Lee and finds it reasonable to consider the three water systems as a single utility, for the purposes of regulation by the Public Utilities Board. The Board will make this change retroactive and adjust all annual fees to \$100 per year.

Should ownership of any of the three water systems change, the Board may find the status as a single utility has changed. By law, any merger, sale or transfer of ownership of any kind of a public utility in Manitoba is subject to Board approval.

This has no impact on the operating licence requirements of the Office of Drinking Water, or any other regulator with oversight over Ona-Lee or the water systems it owns and operates.

5.0 IT IS THEREFORE ORDERED THAT:

1. The public water systems known as Hillside Point, Traverse Bay Estates and Bayview Park, owned and operated by Ona-Lee Developments, are to be treated as a single utility for regulatory purposes of the Public Utilities Board, effective January 1, 2018.

Fees payable upon this Order - waived

Board decisions may be appealed in accordance with the provisions of Section 58 of *The Public Utilities Board Act*, or reviewed in accordance with Section 36 of the Board's Rules of Practice and Procedure. The Board's Rules may be viewed on the Board's website at www.pubmanitoba.ca.

THE PUBLIC UTILITIES BOARD

"Marilyn Kapitany, B.Sc. (Hon), M. Sc."
Panel Chair

"Jennifer Dubois, CPA, CMA"
Assistant Associate Secretary

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issued by The Public Utilities Board



Assistant Associate Secretary